UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 0 1 2015

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 7014 2870 0001 9580 7689
RETURN RECEIPT REQUESTED

Ex. 6 (Personal Privacy)
Ex. 6 Farms, Inc.
Ex. 6 (Personal Privacy)

Subject: Clean Water Act Compliance Evaluation Inspection Report

Dear Mr. Ex. 6 (Personal Privacy):

On April 29, 2014 and August 19, 2014, U.S. Environmental Protection Agency conducted inspections of your facility, Ex. 6 (Personal Privacy) Farms in Casco, Wisconsin. The purpose of the inspections were to evaluate compliance with your Wisconsin Pollutant Discharge Elimination System (WPDES) permit. Enclosed is a copy of EPA's inspection report.

Ex. 6 (Personal Privacy) Farms is a large Concentrated Animal Feeding Operation (CAFO) as defined in 40 C.F.R. § 122. Agricultural operations, such as Ex. 6 (Personal Privacy) Farms, have been shown to be sources of pollution to local water bodies through improper management resulting in manure and process wastewater runoff at the production and land application area of the CAFO. EPA observed areas of concern during the inspection. The areas of concern are noted in the inspection report. It is important to address these areas of concern as they can contribute pollutants to tributaries of Casco Creek.

Please provide a written response to the issues identified in the report within 30 days. In your response, include a description of corrective actions taken. Your response should be mailed to:

Donald R. Schwer III
Water Division, WC-15J
U.S. EPA Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

If you have any questions or concerns regarding this letter, or the inspection report, please contact Donald R. Schwer III at (312) 353-8752 or schwer.don@epa.gov. Your cooperation in this matter is appreciated.

Sincerely,

James A Colenan
for

Ryan Bahr, Chief, Section 2
Water Enforcement and Compliance Assurance Branch

Enclosure

Cc: Brad Holtz, Wisconsin Department of Natural Resources

CWA COMPLIANCE EVALUATION INSPECTION REPORT
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5

Purpose:	Compliance Evaluation Inspection
Facility:	Ex. 6 (Personal Privacy) Farms, Inc. Ex. 6 (Personal Privacy)
NPDES Permit Number:	WI-0059536
Date of Inspection:	April 29, 2014 August 19, 2014
EPA Representatives:	Donald R. Schwer III, Enforcement Officer Joan Rogers, Environmental Scientist
State Representatives:	Brad Holtz, Agricultural Runoff Mgmt. Specialist Danielle Block, Agricultural Runoff Mgmt. Specialist
Facility Representatives:	Ex. 6 (Personal Privacy) Vice President Nathan Nysse, Consultant
Report Prepared by:	Donald R. Schwer III, Enforcement Officer schwer.don@epa.gov, 312-353-8752
Report Date:	March 25, 2015

Inspector Signature DRS III

1. BACKGROUND

The purpose of this report is to describe, evaluate and document [redacted] Farms compliance with the Clean Water Act (CWA) and the WPDES Permit No. WI-0059536-03-0 at its Lincoln, Wisconsin facility on April 29, 2014 and August 19, 2014. These inspections were performed pursuant to Section 308(a) of the Federal Water Pollution Control Act, as amended. EPA issued information request V-W-13-308-01 to [redacted] Farms on January 31, 2013.

[redacted] Farms is a large dairy concentrated animal feeding operation (CAFO) with WPDES Permit No. WI-0059536-03-0 which was effective July 1, 2010 and has an expiration date of June 20, 2015. Surface runoff from the facility flows to intermittent Casco Creek. Intermittent Casco Creek flows to perennial Casco Creek. Perennial Casco Creek flows to the Kewaunee River. The Kewaunee River flows to Lake Michigan. Lake Michigan is a Traditional Navigable Water.

On January 7, 2013, Wisconsin Department of Natural Resources (WDNR) issued a Notice of Noncompliance to [redacted] Farms for violation of Section 1.6.4 of the Kinnard Farms WPDES Permit. The violation is related to winter application of solid manure on an unapproved field.

2. SITE INSPECTION

We arrived at [redacted] Farms at approximately 9:00 a.m. on April 29, 2014, and parked the vehicle near the facility office. Upon arrival, Ms. Rogers and I put on disposable boots. We entered the facility office and spoke with [redacted] at the office. We showed our credentials and stated that we would like to perform an inspection of the facility which would include a review of facility operations, required records, waste generation and management practices, and a visual inspection of the site. Amber contacted [redacted] was unavailable to meet with us for the inspection. [redacted] contacted his nutrient management planners, Nathan Nysse and Elizabeth Schwalbach, to meet and perform a records review. [redacted] denied access to conduct visual inspection of the site because he was unavailable. We reviewed annual reports and compliance records. The file review ended at 10:45 a.m.

On August 19, 2014, we again arrived at [redacted] Farms at approximately 9:00 a.m. and parked the vehicle near the facility office. Upon arrival, Ms. Rogers and I put on disposable boots. We entered the facility office and spoke with [redacted] at the office. We showed our credentials and stated that we would like to perform an inspection of the facility which would include a visual inspection of the site. [redacted] was in a meeting and was unable to meet with us for the inspection. [redacted] denied access to conduct a visual inspection of the site until 4:45 p.m. EPA left the facility at 10:30 a.m.

EPA arrived at [redacted] Farms at 4:40 p.m. on August 19, 2014. I introduced myself and presented credentials to [redacted]. I explained to [redacted] that I would be conducting a Concentrated Animal Feeding Operation (CAFO) inspection to evaluate

[redacted] Farms compliance with the requirements of the CWA and WPDES permit. I explained that the inspection would consist of a visual inspection of the site. I stated that I would document my findings and observations by taking photographs and by collecting samples as necessary. I explained that [redacted] Farms had a right to make a claim of business confidentiality. [redacted] did not make any confidentiality claims at the time of the inspection.

The [redacted] Farms operation consists of a Main Site that currently houses the dairy cattle, feed storage pad, and wastewater pond. Northeast of the Main Site, a New Site had a barn under construction. Additionally, at the New Site a wastewater pond and a silage pad had been constructed. The New Site had a vegetated treatment area (VTA) for the treatment of process wastewater generated from the silage pad. The VTA was not operational at the time of the inspection. [redacted] stated that the facility has been collecting all process wastewater generated from the silage pad. Once the VTA becomes fully operational, the VTA will treat water that falls on the silage pad as a result of precipitation that is not collected as the first flush.

2.1 Walkthrough

To facilitate the walkthrough section of this report, overview photographs are included in Attachment 1. The inspection photographs are located in Attachment 2.

Main Site

I began the walkthrough at the office and walked south along the east side of the Main Site. The area between the two south barns was vegetated and well maintained on the day of the inspection. We continued to the sand settling system. Waste from the barns flows into the sand settling system from the north. Surface runoff from a feed storage pad on the southwest end of the site flows into the sand settling system from the south. After the sand settling system, wastewater is pumped to the pond. I walked around the feed storage pad. The north end of the feed storage pad was bermed with sand. Water from the feed storage pad was diverted to the northeast corner where it was collected and transferred to the sand settling system. There was a stormwater inlet just northeast of the feed storage pad that outlets on the east side of the facility into a field tile inlet. I walked around the wastewater pond. I observed the maximum operating and 180 day storage level markers. We walked to the north end of the site. Storm water that contacted raw materials or manure at the north end of the site was contained.

New Site

We continued to the New Site. We walked to the concrete waste storage facility. I observed the freeboard markers in the waste storage facility. We walked the perimeter of the silage pad. Silage solids had blown into a vegetated area to the north of the silage pad. The silage pad was sloped to the east where process wastewater is transferred to the south into a collection system (Attachment 2: IMGP1358). The collection system was designed to collect the first flush (0.25 inches) of precipitation that falls on the silage pad.

After the first flush is collected, the process wastewater would flow north into the VTA for the treatment of process wastewater. Process wastewater in the VTA would flow north through the VTA and outlet at the northwest end of VTA into a culvert under Robin Lane (Attachment 2: IMGP1351-IMGP1356). The discharge would flow north to an intermittent unnamed tributary of Casco Creek. The facility was collecting all process wastewater from the silage pad at the time of the inspection.

2.2 Closing Conference

At the conclusion of the walkthrough of the facility, I summarized my findings and observations to Ex. 6 (Personal Privacy)

1. Silage solids had blown into a vegetated area to the north of the silage pad.

2. The facility should implement procedures to allow WDNR and EPA access to inspect the farm when Ex. 6 (Personal Privacy) is not available.

3.0 POTENTIAL VIOLATIONS

According to Permit Section 3.1.5 Inspection and Entry, "The permittee shall allow an authorized representative of the Department, upon the presentation of credentials . . ."

At the time of the April 29, 2014 inspection, EPA was denied access to conduct a walkthrough of the facility. At the time of the August 19, 2014 inspection, EPA was denied access to conduct a walkthrough of the facility until 4:45 pm in the evening. WDNR representatives were with EPA on both of these occasions.

4.0 AREAS OF CONCERN

According to Permit Section 1.1 Production Area Discharge Limitations, "the permittee may not discharge manure or process wastewater pollutants to navigable waters from the production area."

Although the VTA was not operational during the inspection, the VTA is a system that is designed to treat and discharge wastewater generated on the silage pad. A system that treats and discharges wastewater should be designed to meet the New Source Performance Standards for Dairy Cows and Cattle Other Than Veal Calves (40 CFR 412.35).

LIST OF ATTACHMENTS

1. Aerial Photographs of Ex. 6 (Personal Privacy) Farms
2. Inspection Photographs

ATTACHMENT 1: AERIAL PHOTOGRAPHS

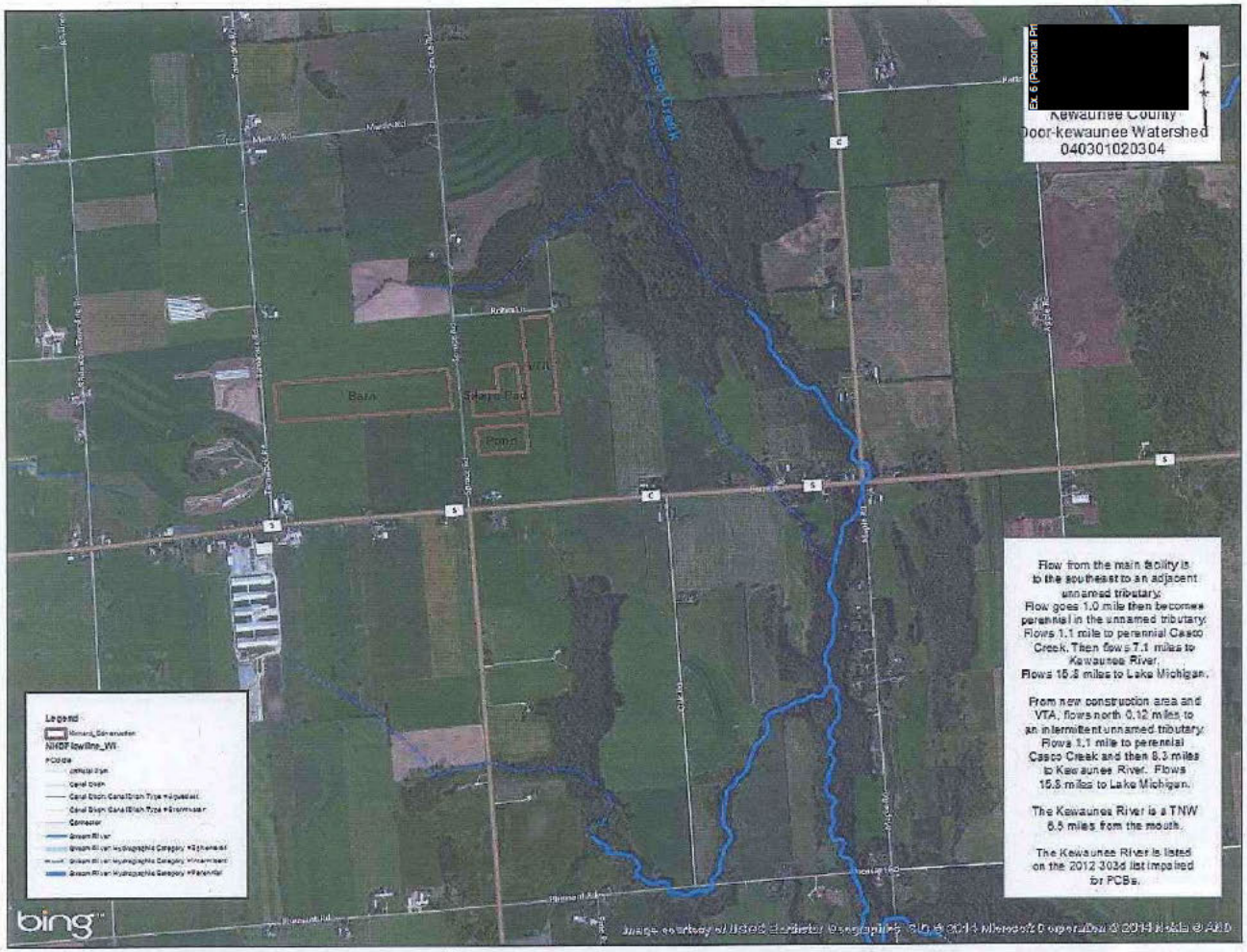


Figure 1: Dairy Site Overview

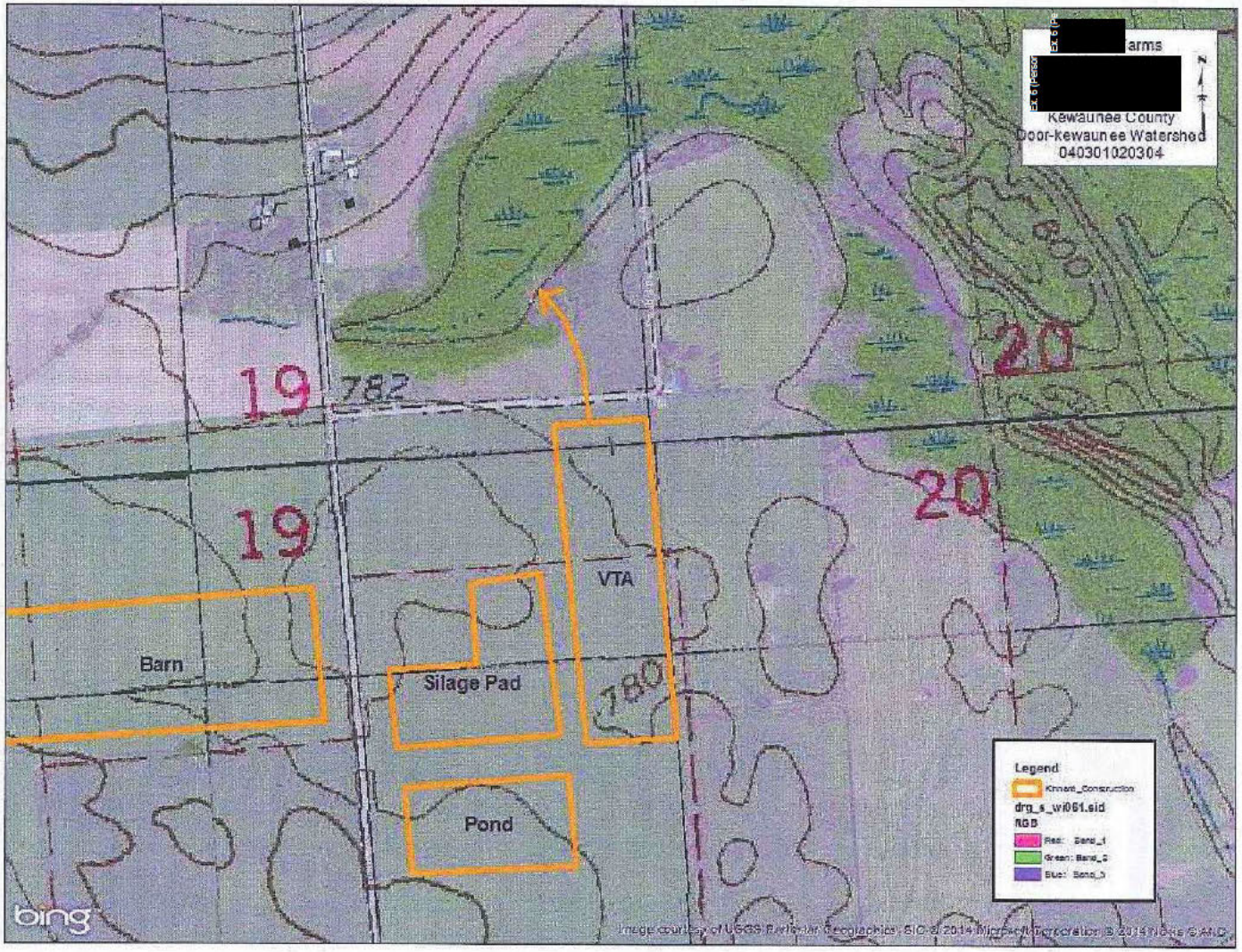


Figure 2: United States Geological Survey Topography

ATTACHMENT 2: INSPECTION PHOTOGRAPHS

IMGP1351
Description: Water from the vegetated treatment area (VTA) outlets to the north under Robin Lane. Water would continue north to an intermittent unnamed tributary of Casco Creek.
Location: North end of VTA.
Camera Direction: North

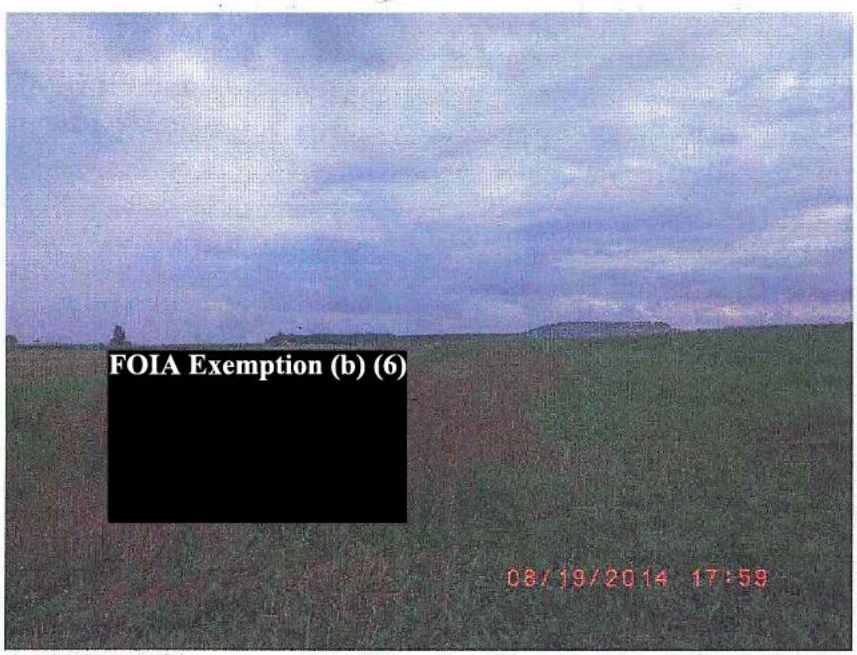
IMGP1352
Description: Water in the VTA.
Location: North end of VTA.
Camera Direction: East

IMGP1353
Description: Water in the VTA.
Location: North end of VTA.
Camera Direction: East

1: IMGP1354
Description: Water from the VTA flows north under Robin Lane.
Location: North end of VTA.
Camera Direction: Down/East

2: IMGP1355
Description: Water from the VTA flows north under Robin Lane.
Location: North end of VTA.
Camera Direction: Down/East

3: IMGP1356
Description: Water from the VTA flows north under Robin Lane.
Location: North end of VTA.
Camera Direction: North



4: IMGP1357
Description: Area west of VTA.
Location: West of VTA
Camera Direction: South

5: IMGP1358
Description: Collection pit for wastewater generated on the silage pad.
Location: South end of VTA.
Camera Direction: Down

6: IMGP1359
Description: The concrete structure spreads out wastewater along the length of the VTA. The outlet structures were closed during the inspection.
Location: South end of VTA
Camera Direction: East

7: IMGP1360
Description: The concrete structure spreads out wastewater along the length of the VTA. The outlet structures were closed during the inspection.
Location: South end of VTA
Camera Direction: East

8: IMGP1361
Description: Inlet into the spreader and collection structures.
Location: South end of VTA
Camera Direction: West